



Leominster License Commission
City Hall
25 West Street
Leominster, MA 01453
(978) 534-7515

LEOMINSTER LICENSE COMMISSION REGULATIONS **TAXI AND LIVERY SERVICES**

1. DEFINITIONS

CITY The City of Leominster, Massachusetts

PERMIT AUTHORITY

The License Commission of the City of Leominster

PLACE OF BUSINESS

An office, waiting room, or garage from which the business of a taxi or livery service is conducted. A garage use solely for the storage or maintenance of taxi or livery vehicles which are not regularly operated in the City of Leominster shall not be considered a place of business.

PUBLIC PLACE

Public property or private property to which the public has lawful access.

TAXI VEHICLE

A passenger car or station wagon, having a passenger seating capacity of up to five (5) persons, used for transporting persons and items in their possession or transporting goods for hire, which is marked with the service's name and number. Such a vehicle does not operate on a fixed route and is hired by means of a telephone request to the taxi stand.

LIVERY VEHICLE

A passenger car, station wagon, van (designed to transport fifteen (15) or fewer passengers, including the driver) or limousine used for transporting persons and items in their possession for hire which is not marked on its exterior with the service's name or number. Such vehicle does not operate on a fixed route and is hired by means of a telephone request or contract arrangement in advance of the time designed for pickup. Vehicles used solely in connection with transportation for funerals shall not be considered livery vehicles and shall not be subject to the provisions of this Regulation.

2. LICENSE & PERMIT REQUIREMENTS:

A. APPLICABILITY OF LICENSE AND PERMIT REQUIREMENTS

A Taxi or livery service shall be subject to the provisions of the Regulation if; it maintains a place of business within the City; and it advertises, in any format or medium that it provides taxi or livery service within the City. Any officer, principal, employee or vehicle of a taxi or livery service subject to licensing by the City shall not be subject to the below permit requirements:

B. TAXI OR LIVERY SERVICE LICENSE

No person or business entity shall within the City engage in any conduct, which would constitute the business of a taxi or livery service, without a Taxi or Livery Service License issued by the License Commission.

C. PERMIT TO OPERATE A TAXI OR LIVERY VEHICLE

No person shall operate a taxi or livery vehicle without a valid Massachusetts Motor Vehicle Operator's License and permit to operate a taxi or livery vehicle issued by the Permit Authority.

D. TAXI OR LIVERY VEHICLE LICENSE

No vehicle shall be utilized by a taxi or livery service unless such vehicle:

1. Is properly registered under Massachusetts Law;
2. Is properly insured or bonded under Massachusetts Law;
3. Has a valid Massachusetts vehicle inspection sticker;
4. Has been issued, by the Permit Authority, and displays a taxi or livery vehicle permit; and
5. Is conspicuously and permanently marked or identified as a taxi vehicle.

3. TAXI OR LIVERY SERVICE LICENSE

A. APPLICATION PROCESS

Each applicant for a taxi or livery service license shall make application to the License Commission upon a standard form to be developed by the License Commission. Such application form shall, at a minimum, contain: the applicant's identifying information; whether the application is for a taxi service or a livery service; the proposed location(s) to be used in the operation of the service, including place of garaging; the number and type of vehicles the applicant intends to utilize in the service; how fares will be calculated; hours and days of operation; a written description of the services to be provided under the license. Each applicant must execute a statement, in writing and under the pains and penalties of perjury, that the applicant owes no back taxes to the Commonwealth of Massachusetts or the City of Leominster. Each applicant must be accompanied by:

1. A letter from the Building Inspector for the zoning of the property is zoned properly.
2. A yearly renewal fee of \$25.00 per vehicle.

B. AUTHORITY OF THE LICENSE COMMISSION

The License Commission may within its discretion, deny, grant, amend or modify a taxi or livery service license. If granted, such license shall be subject to such conditions or restrictions as may be imposed by the License Commission. The License Commission may, for cause, revoke any license that has been granted.

C. DURATION OF LICENSE

All Licenses shall expire at the close of March 31 of the year of issuance. There shall be no pro-rating of license fees.

D. TRANSFER OF LICENSE

A license shall be non-transferable.

E. MANDATORY REPORTS TO THE LICENSE COMMISSION AND AUTOMATIC SUSPENSION OF LICENSE.

- 1) The holder of a license to operate or manage a taxi or livery service must, within twenty-four (24) hours of its occurrence, report on behalf of his or her taxi or livery service, the following to the License Commission:
 - a) Any motor vehicle accident involving a vehicle utilized by the service;
 - b) The suspension or revocation of a motor vehicle registration certificate for any vehicle utilized by the service;
 - c) The cancellation of the service's motor vehicle liability insurance policy or bond.
- 2) The holder of a permit to operate a taxi or livery vehicle must, within twenty-four (24) hours of its occurrence, report the following to the License Commission and, at the same time, surrender his or her permit.
 - a) Involvement in any motor vehicle accident; whether on or off duty, which resulted in death, bodily injury or significant property damage;
 - b) Being arrested, cited or charged with operating under the influence of liquor or drugs, motor vehicle homicide; operating in a race or operating in a negligent or reckless manner; any crime against a person; or, any felony offense.
 - c) Suspension or revocation of the permit holder's Massachusetts Motor Vehicle Operator's License, or the suspension or revocation of the permit holder's license or right to operate in any other state.

F. SUSPENSION OF REVOCATION OF LICENSE

A license to operate or manage a taxi or livery service may be suspended or revoked after notice to the holder of such permit and a hearing before the License Commission. Suspension or revocation is authorized if the License Commission determines, according to the standard of a preponderance of the evidence that the License Holder:

- 1) Has knowingly made a false or inaccurate statement on any record or application required by any of the provisions of this regulation;
- 2) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any felony offense;
- 3) Is, in any jurisdiction, convicted or subject to a finding of guilty in regard to any misdemeanor offense involving; assault & battery; threatening; larceny; fraud; prostitution; gaming; illegal sale or distribution of an alcoholic beverage; or a statute or regulation relative to taxi and livery services;
- 4) Has knowingly permitted the operation of a taxi or livery vehicle by a person who is not the holder of a valid license to operate a taxi or livery vehicle.
- 5) Has permitted a vehicle, without a Taxi or Livery Vehicle License to be utilized for transportation of passengers of a taxi or livery service.
- 6) Has knowingly permitted any taxi or livery vehicle to be used in the commission or furtherance of any criminal conduct;

- 7) Has refused to permit any inspection authorized or required by the provisions of the Regulation;
- 8) Has failed to prepare, maintain or file any report, record or notice required by the provision of this Regulation.
- 9) Has engaged in or permitted any conduct that is prohibited by the provisions of this Regulation.

G. NOTICE OF SUSPENSION OR REVOCATION

Upon the suspension or revocation of a license to operate or manage a taxi or livery service, the Permit Authority shall give written notice of such suspension or revocation, and the reason therefor, to the taxi or livery service by which the suspended or revoked person is employed.

4. PERMIT TO OPERATE A TAXI OR LIVERY VEHICLE (DRIVERS)

Application needs to be completed at the License Commission Office at Leominster City Hall. A background check shall be conducted of the applicant to determine if the applicant is subject to any of the condition requiring a denial of the permit.

DENIAL OF THE PERMIT

The License Commission shall not issue a permit if the applicant:

- 1) Has not fully and accurately completed the application;
- 2) Has not attained the age of eighteen (18) years;
- 3) Is not the holder of a valid Massachusetts motor vehicle operator's license authorizing the operation of passenger type motor vehicles;
- 4) Has, in any jurisdiction, been convicted of a felony or, in regard to any felony offense, had a finding of sufficient facts for a finding of guilty;
- 5) Has, in any jurisdiction, been convicted of or subject to a finding of sufficient facts for a finding of guilty relative to a criminal offense that involved causing death of serious bodily injury in a motor vehicle accident;
- 6) Has, in any jurisdiction, during the past five years been convicted of misdemeanor offense or, in regarding to misdemeanor offense, had a finding of sufficient facts for a finding of guilty, if said misdemeanor offense involved: assault, assault & battery, threatening, larceny, fraud, prostitution, gaming, illegal sale or distribution of an alcoholic beverage; use or possession of a controlled substance; operating a motor vehicle while under the influence of liquor or drugs; operating a motor vehicle in a race or in a negligent or reckless manner; leaving the scene of a motor vehicle accident; or refusing to stop or submit to a police officer.
- 7) Has, in an jurisdiction, during the past five years been involved in two or more at-fault motor vehicle accidents;
- 8) Has, in any jurisdiction, during the past five years been found responsible for or guilty of two or more civil or criminal violations of motor vehicle law relating to the unsafe operation of a motor vehicle;
- 9) Has, in any jurisdiction, a driving record that tends to indicate unsafe operation of motor vehicles or a disregard for motor vehicle law;

A permit to operate a taxi or livery vehicle shall be valid for one year, expiring every March 31st.

SUSPENSION OR REVOCATION OF PERMIT

A permit to operate a taxi or livery vehicle may be suspended or revoked after notice to the holder of such permit and a hearing before the License Commission. Suspension or revocation is authorized if the License Commission determines, according to a standard of the evidence, that the permit holder:

- 1) Has knowingly made a false or inaccurate statement on any record or application require by any of the provision of this regulation;
- 2) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any felony offense;
- 3) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty relative to a criminal offense that involved causing death or serious injury in a motor vehicle accident;
- 4) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any misdemeanor offense involving; assault; assault & battery; threatening; larceny; fraud; prostitution; gaming, illegal sale or distribution of an alcoholic beverage; use or possession of a controlled substance; operating a motor vehicle while under the influence of liquor or drugs; operating a motor vehicle in a race or in a negligent or reckless manner; leaving the scene of a motor vehicle accident; or, refusing to stop or submit to a police officer;
- 5) Is, in any jurisdiction, involved in an at-fault motor vehicle accident;
- 6) Is, in any jurisdiction, found responsible or guilty of any civil or criminal violation of motor vehicle law relating to the unsafe operation of a motor vehicle;
- 7) Has operated a vehicle, without a taxi or livery vehicle permit, for the transportation of passengers of a taxi or livery service;
- 8) Has, in regard to the operation of a taxi or livery vehicle, engaged in unfair, deceptive or unsafe practices;
- 9) Has knowingly operated a taxi or livery vehicle in the commission or furtherance of any criminal conduct;
- 10) Has refused to permit any inspection authorized or required by the provisions of this regulation;
- 11) Has failed to prepare, maintain or file any report, record or notice required by the provisions of this regulation;
- 12) Has had his or her Massachusetts Motor Vehicle Operator's License suspended or revoked;
- 13) Has been involved in a motor vehicle accident that resulted in death or serious bodily injury, unless an official of competent authority has determined that the permit holder was not at fault in the accident;
- 14) Has engaged in any conduct that is prohibited by the provisions of this regulation.

INSPECTION OF LICENSE AAND/OR PERMIT

Upon demand of any police officer, the operator of a taxi or livery vehicle must permit such officer to inspect the vehicle to determine its compliance with the provisions of this regulation.

INSPECTION OF RECORDS

During regular business hours, the holder of the permit to operate and manage a taxi or livery service and/or the operator of a vehicle, shall make available upon demand of a police officer or member of the License Commission all records required to be kept by a taxi or livery service.

FARES

Upon request, fares and/or rates shall be made available at the office of each licensed premise.